

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>9/7/2022</u>

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 ERIC JOHNSON, :  
 :  
 Plaintiff, :  
 : 21-CV-3659 (VEC)  
 -against- :  
 : AMENDED ORDER  
 STELLA AND BOBBIE LLC, :  
 :  
 Defendant. :  
 ----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 18, 2022, the Court issued an Order awarding Plaintiff default judgment and statutory damages, *see* Dkt. 72;

WHEREAS the Court's Order at docket entry 72 incorrectly referenced 28 U.S.C. § 1961 as the basis for calculating prejudgment interest;

WHEREAS courts in the Second Circuit have awarded prejudgment interest at the post-judgment statutory rate, *see, e.g.*, *In Matter of Arb. Between P.M.I. Trading Ltd. v. Farstad Oil, Inc.*, 2001 WL 38282, at \*3 (S.D.N.Y. Jan. 16, 2001), and at the New York statutory rate of nine percent, *see, e.g.*, *Al Maya Trading Establishment v. Glob. Exp. Mkt. Co.*, 2017 WL 1050123, \*5 (S.D.N.Y. Mar. 17, 2017); and

WHEREAS awarding the New York rate has been "common practice among the courts of this Circuit," *Seed Holdings, Inc. v. Jiffy Int'l AS*, 5 F. Supp. 3d 565, 591 (S.D.N.Y. 2014) (citation omitted);

IT IS HEREBY ORDERED that Plaintiff is awarded \$105,000 in statutory damages (\$100,000 for willful infringement of the Copyright Act, *see id.* 17 U.S.C. § 504(c)(2), plus \$2,500 for each violation of Section 1202, *see id.* § 1203(c)(3)); prejudgment interest of nine percent

(9%) on the statutory damages award to be calculated from the date of the filing of this action to May 18, 2022, the date of entry of judgment; and \$8,094 in attorneys' fees and costs.

The Clerk of Court is respectfully directed to issue an Entry of Judgment reflecting this Order and to VACATE the Court's Order at docket entry 72.

**SO ORDERED.**

Date: September 7, 2022  
New York, NY

  
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**VALERIE CAPRONI**  
United States District Judge